

Delegated Decision Report

Application No:	25/0561	Statutory Period Expires:	16th March 2026
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Site:	<i>Tredegar House Pencarn Way Duffryn Newport South Wales</i>		
Proposal:	<i>PROPOSED REPLACEMENT CHILDREN'S PLAY AREA</i>		
Applicant:	<i>J Courtney</i>		
Type:	Full	Ward:	Tredegar Park And Marshfield
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

- 1.1 There is an existing and established park in the proposal area. The park has limited equipment spread across the park consisting of a raised playhouse and 2no. sets of swings.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site is located within the grounds of Tredegar House, a Grade I listed 17th-century mansion situated on the western edge of Newport, South Wales. The site falls within the registered Grade II* Tredegar House Historic Park and Garden. There are a number of listed assets within the grounds.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The National Trust is proposing the installation of a replacement play area adjacent to the pond on the west side of the park, including 13no. different play equipment elements. The main structure includes a wooden stag which incorporates a slide and bridge walkway. The park also proposes 2no. sets of swings, balance beams, and smaller games off to the sides of the play park area. The proposed equipment is proposed within the existing designated park, and this is not proposed to increase in area.
- 3.2 The play equipment will be designed in natural materials, such as sustainably sourced timber, to reflect the historic and rural context of the site. Features will be securely fixed to the ground using shallow foundations or steel fixings to minimise ground disturbance. The tallest elements of the play area, the wooden stag equipment, would be approximately 4.9m high to the antlers. Equipment will provide opportunities for physical, imaginative, and sensory play, catering to a wide age range and a diversity of needs, including accessible elements for children with limited mobility.

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY

- 5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and

change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

4.5.1 Recreational spaces are vital for our health, well-being and amenity, and can contribute to an area's green infrastructure. They provide a place for play, sport, healthy physical activity and a place to relax often in the presence of nature, and they contribute to our quality of life.

5.3 Technical Advice Notes

Technical advice note (TAN) 5: nature conservation and planning

Technical advice note (TAN) 12: design

Technical advice note (TAN) 16: sport, recreation and open space

Technical advice note (TAN) 24: the historic environment

5.4 The Historic Environment Act 2023

5.5 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policy GP2 (General Amenity)

Policy GP5 (Natural Environment)

Policy GP6 (Quality of Design)

Policy SP9 (Conservation of the Natural, Historic and Built Environment)

Policy CE4 (Historic Landscapes, Parks, Gardens and Battlefields)

Policy CE5 (Locally Listed Buildings and Sites)

Policy CF1 (Protection of Playing Fields, Land and Buildings Used for Leisure, Sport, Recreation and Play)

Policy CF2 (Outdoor Play Space Requirements)

Policy CF12 (Protection of Existing Community Facilities)

Policy SP1 (Sustainability)

Policy SP18 (Urban Regeneration)

5.6 SUPPLEMENTARY PLANNING GUIDANCE

WILDLIFE AND DEVELOPMENT

TREES, WOODLAND, HEDGEROWS AND DEVELOPMENT SITES

OUTDOOR PLAY SPACE PROVISION

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales:

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Consultation Topics, *Development Planning Advisory Service: Consultation Topics* : <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>. We therefore do not have any comment to make on the proposed development.

Please note that our decision not to comment does not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

6.2 **Principal Heritage Officer:**

This application seeks consent for the removal of the existing play equipment and the installation of a new children's play area within the same footprint in the parkland at Tredegar House.

The site is located within the curtilage of the Grade I Listed asset, Tredegar Park Conservation Area (CA) and the Grade II* Registered Historic Park and Garden (RHPG) of Tredegar Park.

1. Tredegar House (Setting Impact)

Tredegar House is Listed grade I as one of the finest Restoration houses in Britain.

The list entry for the RHPG identifies a significant view: 'from the north-west front of the house there are views down the great oak avenue.' This historic avenue is key to the setting of the asset, providing the principal long-range view (via the GII* Edney Gates) of what is today the principal (north-west) elevation of the asset. This view also extends the setting of the house deep into the surrounding landscape, though today it is scarred by the M4 motorway and A48 junction.

The house also has important group value with numerous Listed outbuildings on the site, together with a range of Listed features related to the park and gardens. Most relevant to this application is the Grade I Listed Stable Block, located some 120 metres to the south-east of the application site.

As identified within the HIA, a swathe of mature trees (protected by virtue of their Conservation Area location) focusses views down the long north-western avenue from house and stable yard. The proposed site is substantially offset to the south-west and some 120 metres distant from the stable Block. More trees and the existing sports pavilion also provide substantial screening of any interconnected views between built assets and the play area in question. Setting impact of the existing (bright-red finished) play complex upon the House, the Gates and the Stable Block is considered to be low. Considering the scale, form, and materiality of the proposed, I would conclude that the impact of the new

is likely also to be low - particularly since 'the play equipment will be designed in natural materials, such as sustainably sourced timber, to reflect the historic and rural context of the site.'

Please add a suitable condition regarding proposed materials and their finishes for the new equipment.

2. Tredegar Park Conservation Area

Boundaries of the conservation area are essentially contiguous with the Registered Park and Garden, though it extends further to the south, to incorporate the caravan park (to the south-west), the car parking area (to the south-east) and a small, wooded area (which projects from the southerly extents of the ribbon lake). In this particular scenario, impacts upon the CA can therefore be considered as per impacts upon the RHPG (see below).

3. Historic Park and Garden

The proposed play area is located within the Registered Park and Garden of Tredegar Park (PGW(Gt)48(NPT)), which is designated Grade II* due to the survival of elements of a grand late seventeenth-century layout. These include formal garden walls, a gate screen, ornamental parterres, and the prominent oak avenue. The park holds significant group value alongside the Grade I Listed Tredegar House and its associated Listed buildings and garden structures.

As identified above, the proposed development is upon the site of an existing play area, its location being offset (to the west) from the significant avenue view and screened from the primary built assets by mature trees and by a modern sports pavilion building. However, there are clear views of the existing from the further within the parkland, where the red-finished equipment stands out prominently against the treed backdrop beyond. The proposed equipment is stated as 'not exceeding 4.2 metres in height' with the new proposed to feature '...tallest elements of the play area...similar to the existing play park in height'. Considering that the new is to be formed in unpainted timber (and not brightly painted), then it is my view that the proposed will be less prominent than the existing, resulting in a reduced visual impact overall. The net result is therefore some enhancement.

I see that Cadw have been consulted however and will defer to their expertise on the matter of impact here.

6.3 Ecology:

I have no comment on this application other than to raise concerns over the impact upon the mature trees which are adjacent to the site. I would look to the Trees and Woodlands Officer to consider the Arboricultural Tree Report and ensure protection of the trees and their root protection area during the proposed works.

I note that the Arb report proposes some minor pruning and removal of deadwood, but these are within the scope of the normal Arboricultural management that would be carried out during day-to-day management of Tredegar Park. Therefore the same consideration of protected species such as bats and nesting birds during this routine maintenance should be applied to the recommendations of the Arb report.

6.4 Landscape officer:

This application seeks consent for the removal of the existing play equipment and the installation of a new children's play area within the same footprint in the parkland at Tredegar House. From the DAS by Hughes Architects 'The setting is semi-enclosed by mature trees and hedging which provide a sense of containment, whilst allowing filtered views across the gardens. The play area sits outside the formal axial alignment of the house and does not intrude on the principal sightlines from or towards the mansion.' A Heritage Impact Assessment by Hughes Architects is also submitted. While I have no reason to disagree, there is no photographic evidence provided to confirm the existing views or to evidence that any change in the view would be acceptable given the setting. As the HIA acknowledges:

- ♣ The play park will not be visible from Tredegar House but may impact slightly on views of the house from the park.
- ♣ The play park will be visible in the distance from The Stable Block and may impact on some views of the stable block from the parkland.
- ♣ The sculpture may impact slightly on views of the house from the Gate Lodges.

I would recommend that photos to illustrate the existing views are submitted with the play area very simply highlighted to evidence the conclusions. The tree survey covers hazard assessment for two nearby oaks, however as the trees are not accurately located on the submitted site plan and there is no defined root protection area, any impact from the proposals is difficult to assess. For example the concrete footings will be relatively substantial for 4-5m high structures and it is not clear whether a replacement surfacing is required (fall distances may require this). A tree survey to BS5837 is likely to be required – please refer to the Tree Officer for comments.

6.5 Public Rights of Way: No PROW objections

6.6 Tree Officer:

The additional detail in relation to compound location and access routes is welcomed, as is the details for installing posts within Root Protection Areas. Whilst this is not a combined AIA / AMS as requested, the information provided is adequate and there are no further arboricultural objections.

Point 10 in the - Excavating holes in a rooting area JPTC document - relates to Arboricultural Watching Brief visits 'as and when'. This is vague and visits must be conditioned to occur during any removal or construction of play equipment within or close to Root Protection Areas. The Project Arborist must initially undertake an Arboricultural Watching Brief visit to ensure all the tree protection measures including protective fencing and ground protection measures are in place and 'signed off'. Once signed off Arboricultural Watching Brief visits should occur weekly during periods when work is occurring in the Root Protection Area of trees with monthly reports to the Local Planning Authority.

6.7 Drainage Manager: No comments received.

6.8 Environmental Health Officer: No comments received.

6.9 CADW:

Thank you for your letter of 24 July inviting our comments on the information submitted for the above planning application.

Advice

Having carefully considered the information provided, we have no objection to the proposed development in regards to the registered historic park and garden listed in our assessment of the application below.

The national policy and Cadw's role in planning are set out in Annex A.

Assessment

Registered Park and Garden

PGW(Gt)48(NPT) Tredegar Park

This planning application seeks to remove the existing structures in the children's play area at Tredegar Park and replace them with natural play equipment. The proposal is located within the grade II* registered historic park and garden at Tredegar Park registered for the survival of parts of a grand late seventeenth-century layout, including garden walls, gate screen, inorganic parterres and avenue.

The application is supported by an HIA (v2) by Hughes Architects, which includes an assessment of the impact of the proposals on the registered historic park and garden. The proposed replacement play structures will be within the same footprint as the existing playground. The existing play equipment is brightly coloured metal and not in keeping with its surroundings.

The natural materials proposed for the replacement play structures are sensitive to the registered park and garden setting and therefore will be an improvement. The HIA states that the proposed play equipment will be of similar height to the existing structures to ensure it remains appropriate in scale.

The HIA refers to a 'sculpture' several times throughout the document. We assume this refers to a previous planning application, but this needs clarification and if a sculpture is also proposed, Cadw should be re-consulted on the details.

To conclude, although the proposed play equipment will be visible from some areas of the registered park, it does not fall within any important views across the park, including the significant view along the oak avenue from the northwest front of the house. The natural materials proposed are an improvement to the existing red and yellow metal structures and are likely to have far less visual impact, particularly when seen against the background of trees. We have no objection to this application.

- 6.10 **SAB:** Having reviewed the information, a SAB application will likely be required due to the scale of the works.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 24/07/2025, Site Notice was put up on 01/08/2025.

7.1 In accordance with the publicity requirements set out in The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 letters were sent to the neighbouring properties on 24/07/25 and a site notice was erected within the vicinity of the application site on 01/08/25. No representations have been received.

7.2 Coedkernew Community Council: No comments received.

8. **ASSESSMENT**

8.1 **Principle of Development**

8.1.1 The application site is within the defined settlement boundary as shown on the proposals map that accompany the Newport City Council Local Development Plan, accordingly there is a presumption in favour of development and the efficient use of land is encouraged. A full assessment is carried out below.

8.1.2 The development proposes replacement equipment within an existing outdoor community facility. Equipment will provide opportunities for physical, imaginative, and sensory play, catering to a wide age range and a diversity of needs, including accessible elements for children with limited mobility. The regeneration and retention of the park would be a benefit to the community and compliant with Policies CF1, CF2, CF12 and SP18 of the Newport Local Development Plan 2011-2026.

8.2 **Visual Amenity/ Character and Appearance**

8.2.1 The proposal seeks to replace the existing children's play equipment within an established play area. The current facilities are limited and in need of renewal, and the scheme therefore represents an enhancement to the site. Given the setting within the grounds of Tredegar House, a Grade I listed 17th-century mansion, and the registered Grade II* Tredegar House Historic Park and Garden, the design and materials must be sensitive to the historic environment. The replacement equipment will be constructed from natural materials, including sustainably sourced timber, and rope which appropriately reflect the rural and historic character of the surrounding landscape. The scale and form of the equipment are suitable for a play park setting. Materials will be conditioned for compliance to ensure the development is implemented and maintained as to avoid any harm to the historic setting/designation(s).

8.2.2 A Heritage Impact Assessment has been submitted and reviewed by the Heritage Officer. Although the site lies close to several designated heritage assets, including the Grade I listed Stable Block approximately 120m to the south-east, the visual impact of both the existing and proposed equipment is limited due to substantial screening from mature trees and existing structures. The new timber equipment, which does not exceed 4.2m in height, will be less visually intrusive than the existing brightly coloured structures and provides a modest enhancement to the setting. The Heritage Officer recommends a condition to secure the proposed materials. CADW has been consulted and raises no objections.



8.3 **Residential amenity**

- 8.3.1 It is considered the play park is an existing feature on site, and the renewal of equipment would not hold a demonstrable harmful impact to the enjoyment of users of the park or surrounding area. Therefore, the scheme is in accordance with Policy GP2.

8.4 **Biodiversity**

- 8.4.1 PPW12 states in 6.2.12 *A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multi functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step wise approach (Paragraph 6.4.15) has been applied.* A GI statement has not been submitted, however, given that the scheme is for redevelopment, and no GI is lost, there will be a minimum impact, however, an enhancement scheme should be submitted with all new development and this is discussed below.
- 8.4.2 Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy GP5 of the NLDP supports this and states that proposals will be expected to maintain, protect, and enhance ecological networks and features of importance for biodiversity. No ecological enhancements are proposed as part of the development. As such the proposal is currently not compliant with the aims of Policy GP5 of the NLDP 2011-2026 (adopted January 2015), however, this can be secured via condition.
- 8.4.3 The Ecology Officer has provided comments on the scheme and suggests, the Arb report proposes some minor pruning and removal of deadwood, but these are within the scope of the normal Arboricultural management that would be carried out during day-to-day management of Tredegar Park. Therefore, the same consideration of protected species such as bats and nesting birds during this routine maintenance should be applied to the

recommendations of the Arb report. An informative shall be added to any permission granted.

8.5 Landscaping/ Trees

8.5.1 The applicant has provided tree information setting out protection measures to the existing trees on site. The tree team have no objections to the information submitted, however, a condition will be attached to ensure that watching briefs are undertaken during any removal or construction of play equipment within close proximity to RPA's. The Project Arborist must initially undertake an Arboricultural Watching Brief visit to ensure all the tree protection measures including protective fencing and ground protection measures are in place and 'signed off'. Once signed off Arboricultural Watching Brief visits should occur weekly during periods when work is occurring in the Root Protection Area of trees with monthly reports to the Local Planning Authority. Therefore, the tree team have no objections subject to the above conditioned to any consent granted.

8.5.2 The landscape officer provided comment that the submitted documents states 'The setting is semi-enclosed by mature trees and hedging which provide a sense of containment, whilst allowing filtered views across the gardens. The play area sits outside the formal axial alignment of the house and does not intrude on the principal sightlines from or towards the mansion.' The officer suggests that photos to illustrate the existing views are submitted with the play area very simply highlighted to evidence the conclusions. A site visit has been undertaken and it is confirmed limited views can be seen of Tredegar house given the trees. It is also confirmed that given the scale and materials, the proposed development will not harm the listed assets as confirmed by the Heritage officer and CADW. The Public Rights of Way officer has no objections to the application. Therefore, this is deemed acceptable.

8.5.3 The landscape officer also suggests that the tree survey covers hazard assessment for two nearby oaks, however as the trees are not accurately located on the submitted site plan and there is no defined root protection area, any impact from the proposals is difficult to assess. A tree survey to BS5837 is likely to be required, however the Tree Officer should confirm this. This has since been reviewed by the applicant and tree team, and from the submission of further information, there are no further arboricultural objections.

8.6 Other comments

8.6.1 Natural Resource Wales have no comments to make on the application. SAB have also provided comment and state that an application may be required. This will need to be undertaken separately with SAB.

9. OTHER CONSIDERATIONS

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 ***Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. CONCLUSION

10.1 Overall, the proposal represents an appropriate enhancement to an existing community play facility, providing inclusive and improved play opportunities while respecting the historic setting of Tredegar House through the use of natural materials and a suitable scale of equipment. The development raises no unacceptable impacts in terms of visual or residential amenity, heritage, trees or landscaping, and matters relating to biodiversity enhancement and tree protection can be satisfactorily secured by condition. The scheme is therefore considered compliant with relevant local and national planning policies and is granted, subject to conditions.

11. DECISION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: 20260131 Play area compound maps; Tredegar House Play Area TCP-TPP a4 Plan; Excavating holes in a rooting area JPTC; Play Overlay Tredegar House Play Area 5837 tree info; 415_TH123.04.01 Tree Overlay; Site Location Plan; 415 TH123.03.01 - Play Stag Swings Trails.; 415 TH123.02.01 - Play Gatehouses Panels; 415 TH123.01.01 - Play Area Plan.; Email from Oliver O'Neil 16/02/2025- Tree info; Tredegar House Play Area TCP-TPP a4 Plan; Tredegar House Play Area BS5837; HIA AA035 V2; Arboricultural Tree Report; Design and Access Statement
Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

02 The playground equipment shall be constructed and completed of the materials specified within section 4.2 of the *Design and Access Statement July 2025 V2* and Section 1 of *HIA AA035 V2* and shall be maintained as such for the lifetime of development.
Reason: To ensure the development is completed in a manner compatible with its surroundings.

03 Prior to the commencement of development, a biodiversity enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement scheme shall be implemented in accordance with the approved plans prior to the first beneficial use of the development hereby approved and retained as such for the lifetime of the development.
Reason: In the interest of protected species, in accordance with Policy 9 of Future Wales and Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

04 Prior to the demolition and erection of play equipment, the Project Arborist must undertake an Arboricultural Watching Brief visit to ensure all the tree protection measures including protective fencing and ground protection measures are in place and 'signed off'. Arboricultural Watching Brief visits must occur weekly during periods when work is occurring in the Root Protection Area of trees, and monthly reports shall be submitted to the Local Planning Authority.
Reason: To ensure there is sufficient protection of trees in accordance with Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP5, GP6, CE4, CE5, CE7, CF1, CF2, CF12, SP1, SP18 were relevant to the determination of this application.

02 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

03 Bats often roost in trees, and work on these trees may disturb a bat roost if one is present. All bats and their roosts are protected against disturbance under UK legislation.

If works are planned on a tree in which bats are known to be roosting, Natural Resources Wales (NRW) must be contacted for advice.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary.

Where bats or their roosts are present, no works of felling or removal of major limbs should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result.

NRW can be contacted at:-

Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Cardiff CF24 0TP, 0300 065 3000

Bat Conservation Trust can be contacted at:-

5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845 1300228

04 Nesting birds are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), whereby it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. Birds begin to nest from Early March onwards so it is likely that active nests will be encountered during these works if they are carried out between March and August.